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TESLOVICH, TAMARA	
ART UNIT	**PAPER NUMBER**
2137	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/737,679	SCHIER, JOHN E.	
	Examiner	Art Unit	
	Tamara Teslovich	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-14,19-31 and 34-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-14, 19-31, 34-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in Response to the Applicant's Remarks and Amendments filed September 20, 2007.

Claims 5, 15-18, and 32-33 remain cancelled.

Claims 37-39 are newly added.

Claims 1-4, 6-14, 19-31, and 34-39 are pending and herein considered.

Response to Arguments

Applicant's arguments filed September 20, 2007 have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with Applicant's first set of arguments concerning the Examiners 35 U.S.C. 112 rejection of claims 1-4, 6-14, 19-31, and 34-36 as failing to comply with the written description requirement. Applicant's arguments appearing on pages 10-12 allege gross error on the part of the Examiner for "exclusively considering the Figures" and failing to "consider the whole record as required by the M.P.E.P., "an action which Applicant deems "clear procedural error." The Examiner respectfully disagrees with the Applicant's classification of the Examiner's previous office action, calling attention to pages 2-4 wherein the Examiner clearly and explicitly explained how the reference in its entirety failed to teach the claimed limitation, going so far as to provide specific arguments directed to the Applicant's drawings, specification, and claims. The Examiner would like to request that the Applicant reconsider her arguments appearing on pages 2-4 and not simply categorize her arguments as "clear

procedural error" based her use of the word "explicitly" on page 3, but rather read the paragraph in its entirety including the Examiner's clear explanation as how she has considered not only Figure 1, but "has re-examined each of the drawings submitted by the Applicant for any indication that the Applicant meant to include the delay timer module within the communication module." Insofar as Applicant's arguments amount to general allegations and fail to clearly explain how those particular portions of the specification, drawings, and claims cited by the Examiner do in fact teach the limitations at issue, the Examiner has no choice but to maintain her 35 USC 112 rejection of the claims as previously presented.

In response to Applicant's arguments concerning the Figure 1 and its "two distinct and separate boxes" the Examiner respectfully disagrees with the Applicant once again referring back to her previous office action wherein she provided clear explanation for her rejections. Applicant's arguments amount to general allegations once again, this time that "the Examiner fails to recognize that one of ordinary skill in the art would recognize that the irregularly shaped box 101 in Figure 1 illustrated the communication module 101 including delay timer 103 and communication port 104." The Examiner respectfully disagrees, maintaining her stance that one skilled in the art would have no reason to assume that communication module 101 *includes* delay timer 103 by considering Figure 1 and its failure to include delay timer 103 within communication module 101, supported by Applicant's claims so far providing for the 'coupling' of the communication module 101 with delay timer module 103 and further supported by Applicant's specification which provides for the coupling of the two

modules. With regards to Applicant's arguments concerning the relationship between communication module 101 and communication port 104, the Examiner respectfully notes that she has not previously made any ruling with regards to whether or not the communication port 104 is in fact part of communication module 101 insofar as the issue has not been raised because Applicant has not attempted to include such a limitation within his claims.

The Examiner would like to draw Applicant's attention to section 2173.03 of the M.P.E.P:

> Although the terms of a claim may appear to be definite, inconsistency with the specification disclosure or prior art teachings may make an otherwise definite claim take on an unreasonable degree of uncertainty. In re Cohn, 438 F.2d 989, 169 USPQ 95 (CCPA 1971); In re Hammack, 427 F.2d 1378, 166 USPQ 204 (CCPA 1970). In Cohn, the claim was directed to a process of treating a surface with a corroding solution until the metallic appearance is supplanted by an "opaque" appearance. Noting that no claim may be read apart from and independent of the supporting disclosure on which it is based, the court found that the description, definitions and examples set forth in the specification relating to the appearance of the surface after treatment were inherently inconsistent and rendered the claim indefinite.

Applicant's arguments filed in response to Examiner's previously set forth 35 USC 102 rejections of claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, 31, and 34-36 have

been fully considered but they are not persuasive. With regards to Landwehr's failure to teach "the isolation of the delay timer from the network based on the comparison" Applicant's first set of arguments allege that the Examiner in her February 7, 2007 failed completely to "respond to that argument" and as such is "procedurally deficient." In response, the Examiner would like to draw Applicant's attention to page 2 of her Office Action wherein she clearly discussed Applicant's arguments, going so far as to lay out why those paragraphs cited by the Applicant was insufficient. The Examiner would like to request that Applicant review the Examiner's response once again, particularly the last full paragraph wherein she explains how page 7 fails to disclose isolating the delay timer specifically. Additionally, the Examiner would like to draw attention to page 9 of Applicant's Remarks filed on November 10, 2006, specifically those portions including:

> "For example, page 7, lines 29-31 of Applicant's disclosure describes delay timer 103 as part of communication module 101 ***and that delay timer 103 may be isolated from the network in conjunction with isolating communication module 101 from the network***"

Insofar as the Examiner's believes her copy of the specification to be accurate, she is confused as to how the following lines teach "*that delay timer 103 may be isolated from the network in conjunction with isolating communication module 101 from the network*" in any way: "Communication module 101 includes a communication port 104 for communicating with a network 106 and a delay timer 103 that includes a delay time..." The Examiner is unable to find any support for Applicant's above-mentioned claims in the his cited paragraphs. Furthermore, in response to Applicant's original arguments

(Remarks filed November 10, 2006) the Examiner responded fully to such arguments in her Final Action dated February 7, 2007 wherein she noted that in returning to pages 7-11, she was unable to locate wherein the isolation of the delay timer was specifically taught. For these reasons, and those given previously, the Examiner maintains her rejection of the claims insofar as the Landwehr reference teaches the claims, as supported by the specification, in their entirety.

The Examiner respectfully disagrees with Applicant's allegations with regards to Landwehr being "directed a system that isolates devices such as a keyboard and mouse" and failing to provide for the implementation of a TCP/IP language protocol. Applicant in his arguments, cites to column 2, line 61 through column 3 line 7, wherein Landwehr specifically provides for "communication line 30" which "permits circuit 28 to communicate to one or more external circuits" and goes on to teach wherein "data line 30 may, of course, be a plurality of wires, data links, multiplexed lines, etc." Nowhere in these lines is it suggested that the communication be limited to that between a keyboard or mouse. It is clear from this disclosure, that there exists support for a number of different embodiments including a number of different methods of communication and lines of communication, allowing for the communication between multiple circuits of different kinds, including but not necessarily limited to that communication between a computer and its peripherals. Applicant goes on to argue that "one would not be motivated to modify the keyboard and mouse devices of Landwehr to communicate over a network." The Examiner notes that it is the Applicant and not Landwehr, limiting the prior art to the use of peripheral devices.

It is based upon the abovemade arguments in view of previous office actions, that the Examiner maintains her 35 USC 102 rejections of claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, 31, and 34-36. The Examiner also maintains her rejection of 35 USC 103(a) rejection of claims 10, 20, and 27 as being unpatentable over Landwehr and further in view of Namma et al, claims 12-14, 22, and 23 as being unpatentable over Landwehr and further in view of Namma et al and Virtanen, claim 26 as being unpatentable over Landwehr and further in view of Virtanen, and claim 29 as being unpatentable over Landwehr and further in view of Yoshiba.

Claim Rejections - 35 USC § 112

Claims 1-4, 6-14, 19-31, and 34-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's "isolating the delay timer" in claims 1, 19, and 24 remains unsupported by the specification.

Applicant's "the communication module including a delay timer" in claims 1, 19, and 24 remains unsupported by the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 recites the limitation "the period of activity". There is insufficient antecedent basis for this limitation in the claim. Claims 38-39 depend upon rejected claim 37 and are rejected accordingly.

The Examiner is under the impression that Applicant intended for the abovementioned limitation to have read "the period of inactivity" and for purposes of furthering prosecution has examined the claims as such.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, 31, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Landwehr et al (US Patent No 5,892,901).

Regarding **claim 1**, Landwehr teaches a method for providing a secure operating environment for a network accessible system comprising accessing a delay timer operably coupled to a communication module, the delay timer including a delay time interval (col.5 lines 29-34); comparing the delay time interval to an activity associated with the system communication with the network (col.3 lines 45-65) the activity being any communication between the system and the network (col.1 lines 50-51); and isolating the communication module from the network based on the comparison (col.3 lines 4-6; col.3 lines 26-28; col.4 lines 31-40) without terminating all power supplied to the communication module (col.2 lines 13-16).

Regarding **claim 2**, Landwehr teaches disabling the communication module if the communication module remains idle for a time period greater than the delay time interval (col.3 lines 59-65).

Regarding **claim 3**, Landwehr teaches the disabling includes reducing a power state associated with the communication module (col.2 line 65 thru col.3 line 6).

Regarding **claim 4**, Landwehr teaches detecting a user initiated request to access the network; altering the power state of the communication module; initializing the communication module to communicate with the network; and initializing the delay timer (col.3 lines 25-65).

Regarding **claim 6**, Landwehr teaches the isolating further comprises disconnecting a communication port associated with the communication module (col.4 lines 30-34).

Regarding **claim 7**, Landwehr teaches initializing the delay time in response to the system initiating communication with the network (col.3 lines 32-38).

Regarding **claim 8**, Landwehr teaches adjusting the delay time interval using a software interface associated with a delay timer (col.4 lines 49-57).

Regarding **claim 9**, Landwehr teaches adjusting the delay time interval using a hardware interface associated with the delay timer (col.4 lines 49-57).

Regarding **claim 11**, Landwehr teaches accessing a network location; Disabling the communication module upon the communication module being idle for a time period greater than the delay time interval; and enabling the communication module upon determining a request to access the network location (col.3 lines 25-65).

Claims 19 and 21 are substantially equivalent to claims 1 and 11 respectively, therefore claims 19 and 21 are rejected because of similar rationale.

Regarding **claim 24**, Landwehr teaches a communication module operable to communicate information via the network (col.2 lines 65 thru col.3 line 6); a delay timer operably coupled to the communication module (col.5 lines 29-34); and the delay timer including a delay time interval and operable to disable communication between the network and the communication module (col.5 lines 29-34) without terminating all power to the communication module in response to a comparison of the delay time interval to any communication through the communication module (col.2 lines 13-16).

Regarding **claim 25**, Landwehr teaches a data bus coupled to the communication module and a processor; and the data bus operable to communicate

information based on the delay time interval (col.2 line 61 thru col.3 line 7; col.3 lines 59-65).

Regarding **claim 28**, Landwehr teaches the delay time interval programmed via an interface associated with the delay timer (col.5 lines 29-34).

Regarding **claim 30,** Landwehr teaches a power state operably associated with the delay timer and the power state operable to provide power to the communication module (col.3 lines 22-25).

Regarding **claim 31**, Landwehr teaches a communication port communicatively coupling the communication module and the network; and the communication port operable based on the delay time interval (col.4 lines 30-34).

Regarding **claims 34-36**, Landwehr teaches wherein the network implements a TCP/IP transport language protocol (col.2 line 61 thru col.3 line 7).

Claims 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Netravali et al (US Patent No 5,084,877).

Regarding **claim 37**, Netravali teaches a method for providing a secure operating environment for a network accessible system, comprising: receiving, at a communication module, a plurality of TCP/IP packets from a remote network location (col.1 lines 5-7; col.3 lines 19-30 "the transmitter sends data packets to the receiver"); detecting a period of inactivity between the remote network location and the

communication module (col.3 lines 44-48 "if it finds that a particular block had been received with an error (or not received at all)"); initializing a delay timer to monitor the period of inactivity, the delay timer including a delay time interval (col.3 lines 48-53 "At that point the wait indicator is set to prohibit further transmissions until the retransmitter block has sufficient time to be received and sufficient time to acknowledge the reception. In other words, the wait indicator is set to at least cover the round trip delay (RTD).")"; determining that the period of inactivity exceeds the delay time interval (col.3 lines 48-53 "the wait indicator is set to at least cover the round trip delay (RTD)."); storing a network reference operable to identify the remote network location (col.3 lines 54-56 "the information about packets that have been received correctly and incorrectly is kept in the transmitter within a table (LUP)"); and isolating the communication module form the remote network location without terminating all power supplied to the communication module (col.3 lines 48-50 "at that point the wait indicator is set to prevent further transmissions"; col.8 lines 19-24).

Regarding **claim 38**, Netravali teaches the method of claim 37, further comprising re-establishing the connection between the communication module and the remote network location (col.6 lines 41-44 "when the logical connection becomes active again"); and accessing the remote network location from the communication module using the stored network reference (col.3 lines 56-61).

Regarding **claim 39**, Netravali teaches the method of claim 37, wherein receiving a plurality of TCP/IP packets from a remote network location at a communication module comprises receiving a plurality of TCP/IP packets from a software application hosted at the remote network location (col.1 lines 5-7; col.3 lines 18-25; col.3 line 62 thru col.4 line 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented an the prior are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10, 20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Namma et al (US Patent No 6,185,615).

Regarding **claim 10**, Landwehr teaches the method of claim 1, but does not teach locating a reference within a memory associated with the delay timer, the reference operably associated with enabling the communication module; and removing

the reference in response to the communication module being idle for a time period greater than the delay time interval.

Namma does teach locating a reference within a memory associated with the delay timer, the reference operably associated with enabling the communication module (col.6 lines 17-48); and removing the reference in response to the communication module being idle for a time period of greater than the delay time interval (col.6 lines 40-48). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Namma's teaching of removing data associated with communication connection in order to provide an improved method of disconnecting communication between client and servers (Namma col.1 lines 52-54; col.6 lines 1-9).

Claim 20 is substantially equivalent to claim 10 and is rejected because of similar rationale.

Regarding **claim 27**, Namma teaches a communication module reference operable to be stored within memory (col.6 lines 18-22).

Claims 12-14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Namma et al and Virtanen (US Patent No 6,249,681).

Regarding **claim 12**, Landwehr teaches disabling the communication module upon the communication module remaining idle for a time period greater than the delay

time interval (col.3 lines 59-65), but does not teach storing a network reference operable to identify the network location; removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module; and copying the communication module reference to the memory stick upon detecting a request by the system to access the network location.

Namma teaches storing a network reference operable to identify the network location removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module (col.6 lines 17-48). It would have been obvious to one of ordinary skill in the art to combine Lanwehr's secure identification system with Namma's teaching of removing data associated with communication connection in order to provide the improved method of disconnecting communication between clients and servers (Namma col.1 lines 52-54; col.6 lines 1-9).

Virtanen teaches storing a network reference operable to identify the network location (col.4 lines 21-43), disabling the communication module upon the communication module remaining idle for a time period greater than the delay time interval (col.2 lines 42-51), and copying the communication module reference to the memory stack upon detecting a request by the system to access the network location (col.5 lines 1-7). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Virtanen's teaching of re-establishing communication in order to provide an improved and more efficient method

that re-establishes communication between the parties after communication has been disconnected, interrupted, or disabled (col.3 lines 23-33; col.3 lines 40-58).

Regarding **claim 13**, Landwehr, Namma and Virtanen teach the method of claim 12, in addition Virtanen teaches enabling the communication module and accessing the network location using the network reference (col.5 lines 1-7).

Regarding **claim 14**, Landwehr, Namma, and Virtanen teach the method of claim 12, in addition Landwehr teaches initializing the delay timer upon detecting a user initiated request to access the network (col.3 lines 32-37).

Claims 22 and 23 are substantially equivalent to claims 12 and 13 respectively and are rejected because of similar rationale.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Virtanen.

Regarding **claim 26**, Landwehr teaches the device of claim 24, but does not teach a memory operable to store the delay time interval. Virtanen teaches a memory operable to store the delay timer interval (col.6 lines 38-40; col.8 lines 54-62). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Virtanen's teaching of re-establishing communication in order to provide an improved and more efficient method that re-establishes communication between parties after communication has been disconnected, interrupted, or disabled (col.3 lines 23-33; col.3 lines 40-58).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Yoshiba (US Patent No 5,495,480).

Regarding **claim 29**, Landwehr teaches the device of claim 28 but does not teach the delay time interval programmed using a delay time interval reference and a communication module reference. Yoshida teaches the delay time interval programmed using a delay time interval reference and a communication module reference (col.1 lines 34-35; col.2 lines 21-41; col.3 lines 20-27; col.5 lines 10-43). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Yoshida's teachings of a disconnecting timer circuit in order to provide a time dependent disconnecting circuit that is able to accommodate higher level applications (Yoshida col.1 lines 35-60).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER